



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 16921 of 2020

M.Saravana Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Social Welfare and Nutritious Meal Programme,
Fort St.George,
Chennai - 600 009.
2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Collectorate Campus,
Dindigul District.
4. The Personal Assistant to District Collector,
Noon Meal Scheme,
Dindigul District.
5. The Commissioner,
Palani Panchayat Union,
Dindigul District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.1519/2014/SaVuThi.1 dated 29.01.2018 on the file of the fourth respondent and quash the same as illegal and consequently for a direction, directing the third respondent to provide compassionate appointment to the petitioner in the post of Noon Meal Organiser or any other suitable post coming under Group C or Group D in the Social Welfare Department or any other Department in accordance with the comprehensive guidelines issued vide Government Order in G.O. (Ms).No.18, Labour and Employment (Q1) Department dated 23.01.2020 and in the light of the Judgement of this Hon'ble Court in W.P. No. 24005 of 2014 dated 11.03.2015 and W.P. No. 21526 of 2017 dated 27.07.2018.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The order of rejection rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present Writ Petition.

2.The father of the writ petitioner namely Murugan was working as Noon Meal Organizer and died on 01.08.2012, while he was in service. The petitioner submitted an application seeking appointment on compassionate ground. It was rejected by the respondents mainly on the ground that as per the Rules in force, the female legal heirs alone are entitled to get appointment in the post of Noon Meal Organizer. There is no provision to appoint the male person as Noon Meal Organizer under the Rules and the case of the writ petitioner was not considered.

3.The learned counsel appearing for the petitioner made a submission that in such circumstances, the respondents would have referred the name of the writ petitioner to the District Collector for considering the case under the General List of persons waiting for compassionate appointment. The scheme of compassionate appointment issued in G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020 states that "in case the Head of the Department finds that there is no vacancy in any of his offices and none is likely to occur in the near future he should send the name and all relevant particulars to the Collector of the District in which the deceased Government servant last worked".

4.In the present case, as pointed out by the learned Additional Government Pleader, there is no procedure to appoint male member as Noon Meal Organizer. Therefore, the petitioner cannot be appointed as Noon Meal Organizer. In such circumstances, the respondents have to refer the name of the petitioner to the District Collector concerned for considering his case under the General List, if the petitioner is otherwise qualified. Under these circumstances, there is no infirmity in respect of the order impugned passed by the respondents. However, in view of the fact that the male member cannot be appointed as Noon meal Organizer, the respondents are directed to refer the name of the petitioner to the District Collector concerned for the purpose of considering the case of the writ petitioner along with the General List of persons to be considered under compassionate appointment scheme. The said exercise is directed to be done within a period of 12 weeks from the date of receipt of a copy of this order.



5. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
State of Tamil Nadu,
Social Welfare and Nutritious Meal Programme,
Fort St. George,
Chennai - 600 009.
2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Collectorate Campus,
Dindigul District.
4. The Personal Assistant to District Collector,
Noon Meal Scheme,
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5. The Commissioner,
Palani Panchayat Union,
Dindigul District.

+1 CC to M/s.SPL GP (SR-10348[F] dated 07/03/2022)

W.P. (MD) No. 16921 of 2020
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RS (24.03.2022) 3P-7C